

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4600 OF 2024.

Vilas Gopal Dongare

...Petitioner.

Versus

The State Of Maharashtra Thru Secretary, Ministry Of ...Respondents.
Co-Op. And Textile And Ors.

Dr. Uday Warunjikar a/w Adv. Sumit S Kate for the Petitioner.
Mr. S. D. Rayrikar AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : November 18, 2024.

P. C. :

1. Heard.
2. By this Petition, the challenge is to the order passed by the Revisional Authority upholding the order of the Assistant Registrar dated 7th January 2016, granting a recovery certificate in respect of the amount of Rs. 63,975.36/-.
3. Dr. Warunjikar, would submit that the earlier remand was on the finding that the amount of Rs. 35,000/- which was taken as loan had already been repaid. He submits that in the order after the remand the amount forming part of the recovery certificate is service charges and the interest on the said amount which is unsustainable.
4. Issue notice to the Respondents, returnable on **9th December, 2024**. In addition to Court notice, advocate for the

Petitioner to serve the Respondents by private notice by all possible modes of service and file affidavit of service before the next date. Learned AGP waives notice for Respondent Nos. 1, 2 and 4.

5. Considering that there is specific finding that as far as the principal amount of Rs. 35,000/- is concerned the same has already been repaid and the amount in respect of which the recovery certificate has been issued is in respect of the service charges as per the resolution of the Respondent, which is not placed on record, and interest on the said amount of service charges, a case for grant of ad-interim relief is made out. Hence ad-interim relief in terms of prayer clause (b).

[Sharmila U. Deshmukh, J.]